

860113

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 13, 1986
AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Struiksma at 2:05 p.m. Deputy Mayor Struiksma adjourned the meeting at 3:22 p.m. into Closed Session at 9:00 a.m. on Tuesday, January 14, 1986, in the twelfth floor conference room to consider pending litigation and potential litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Vacant
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-excused by R-264851
(City business in Sacramento)
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Martinez-present
- Clerk-Abdelnour (mp)

FILE: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Vacant
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-not present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Martinez-present

ITEM-10: INVOCATION

Invocation was given by Reverend Marion E. Lane,
Chaplain, Mercy Hospital, United Church of Christ.

FILE: MINUTES

Jan-13-1986

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Gotch.

FILE: MINUTES

ITEM-30: GRANTED HEARING

Matter of the request of Richard W. Clark for a hearing of an appeal from the decision of the Board of Zoning Appeals in denying his request to amend variance C-16291, to construct stairs to the second story of a dwelling unit at the rear of the lot, observing a 0'0" side yard where 7'0" is required. The subject property is located at 6811 Neptune Place, in Zone R-3000, in the La Jolla Community Plan area, and is further described as Lots 8 and 9, Block A, South La Jolla, Map-887. (C-16291. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE: ZONE - Zoning Appeals C-16291

COUNCIL ACTION: (Tape location: A085-441.)

Motion by Wolfsheimer to continue to January 28, 1986, at 10:00 a.m. Second by Martinez. No vote taken.

MOTION BY GOTCH TO GRANT THE HEARING BECAUSE THE DECISION OF THE BOARD OF ZONING APPEALS WAS ARBITRARY. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

19860113

* ITEM-50: (O-86-122) INTRODUCED, TO BE ADOPTED JANUARY 27, 1986

Introduction of an Ordinance amending Chapter I, of the San Diego Municipal Code by amending Section 11.15, relating to Definitions and Interpretation, to redefine "cash" in Ordinances that require a cash deposit to guarantee the performance of any act or agreement related to a construction project.

CITY AUDITOR REPORT: State Assembly Bill 143, which becomes effective on January 1, 1986, states:

"If a local entity requires any person on or after January 1, 1986, to furnish a security, in the form of cash or a cashier's check made payable to the local public entity, to guarantee the performance of any act or agreement related to a construction project, and if the local public entity invests that cash or the proceeds of that check, the local public entity shall pay interest on all, or any portion, of the amount of the balance of the security deposit which is returned to the person who furnished the security if the security is held by the local public entity for more than 30 days."

In reviewing the current construction deposit requirements, it was found that the deposit definition varied: some allowed performance bonds in place of a cash deposit; some allowed assigned securities in place of cash; and some required only a cash deposit. This redefinition of cash to include options such as assigned securities in the form of savings accounts, Certificates of Deposit, etc., to be used by all City departments where currently a cash deposit is required to guarantee the performance of any act or agreement related to a construction project, would eliminate payment of interest per AB-143 because cash or a cashier's check are not the only requirement for deposit.

FILE: MEET

COUNCIL ACTION: (Tape location: A528-541.)

CONSENT MOTION BY MARTINEZ TO INTRODUCE. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-51: (O-86-120) INTRODUCED, TO BE ADOPTED JANUARY 27, 1986

Introduction of an Ordinance amending Chapter X, Article 2, Divisions 2 and 3, of the San Diego Municipal Code by amending Sections 102.0207, 102.0307, 102.0309 and 102.0310, relating to Lot Line Adjustments, Subdivision Maps and Parcel Maps, to allow City Council hearings for street closings involving land divisions, standards for lot line adjustment modifications, a time frame for requesting extensions of times, and a specific public hearing requirement.

(See Planning Department Reports PDR-85-702 and PDR-85-600.)

COMMITTEE ACTION: Reviewed by TLU on 12/04/85.

Recommendation to approve the Planning Director's

recommendations to amend the subdivision regulations of the Municipal Code and the City Manager's recommendation to amend Council Policy 600-15. Districts 1, 6, 7 and 8 voted yea. District 4 not present.

NOTE: See the Supplemental Docket of January 13, 1986 for a companion item amending Council Policy 600-15.

FILE: - -

COUNCIL ACTION: (Tape location: A528-541.)

CONSENT MOTION BY MARTINEZ TO INTRODUCE. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-100: (R-86-1012 Rev.) ADOPTED AS RESOLUTION R-264833

Awarding a contract to Physio-Control Corp. for the purchase of seven portable combination cardioscope-defibrillator units, for an actual cost of \$41,669.90, including tax, terms and trade-in allowance of \$7,000. (BID-6849)
Aud. Cert. 86573.

FILE: MEET

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-101:

Two actions relative to awarding contracts:

Subitem-A: (R-86-796) ADOPTED AS RESOLUTION R-264834

For the purchase of eight gasoline driven compressors for an actual cost of \$68,247.04, including tax and terms, as follows:

- 1) Mustang Equipment Company for Item 1, two trailer-mounted gasoline driven compressors;
- 2) Ingersoll-Rand Equipment Sales for Item 2, six skid-mounted gasoline driven compressors. (BID-6711)
Aud. Certs. 86570 and 86571.

Subitem-B: (R-86-797) ADOPTED AS RESOLUTION R-264835

Bingham-Willamette Company for the purchase of Worthington pump replacement parts for a total cost of \$61,289.20,

including tax and terms. (BID-6795)

Aud. Cert. 86579.

FILE: MEET

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-102: (R-86-799) ADOPTED AS RESOLUTION R-264836

Modifying the contract with Dana Landing for the purchase of one 22-foot harbor patrol boat (Boston Whaler Guardian), for a total cost increase of \$9,540, including tax and terms, to supplement funds previously authorized by Resolution R-263814, adopted on August 5, 1985, so that the cost of \$33,060 shall read \$42,060.

(BID-6497)

Aud. Cert. 86572.

FILE: MEET

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-103: (R-86-798) ADOPTED AS RESOLUTION R-264837

Inviting bids for the Community Concourse Central Plant Control Board Installation on Work Order No. 118510; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the Auditor and Comptroller to transfer \$55,000 from CIP-37-001.1, Annual Allocation - Minor Public Works Improvements to CIP-37-412, Community Concourse - Central Plant New Control Board; authorizing the expenditure of \$266,000 from CIP-37-412, Community Concourse - Central Plant New Control Board, to supplement Resolution R-261866, adopted on October 29, 1984, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-6937)

(Centre City Community Area. District-8.)

CITY MANAGER REPORT: This project provides for the

replacement of the Johnson Control Board in the Community Concourse Central Plant which serves the City Administration Building, (CAB), City Operations Building (COB), Civic Theatre, and Convention and Performing Arts Center (CPAC), and the Honeywell Control Board in the COB. These panels control and monitor the heating and air conditioning systems in the Community Concourse and are 20 and 15 years old respectively. The new Control Board will be a micro-processor based unit and provide expanded capabilities in the areas of energy management, HVAC and lighting control and monitoring for the entire Community Concourse complex. Aud. Cert. 86552.

FILE: W.O. 118510 CONTFY86-1

COUNCIL ACTION: (Tape location: A567-611.)

MOTION BY McCARTY TO ADOPT. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-104: (R-86-913) ADOPTED AS RESOLUTION R-264838

Inviting bids for the improvement of Lopez Canyon Sewer - Revegetation on Work Order No. 133228; authorizing the execution of a contract with the lowest responsible and reliable bidder; authorizing the expenditure of not to exceed \$13,900 from Fund 79340, Department 79340, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-6929M)
(Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: On August 16, 1983, the City Council adopted Resolution R-259102 establishing the Lopez Canyon Sewer and Drainage Assessment District. The project consisted of a collector sewer in Lopez Canyon with lateral sewer mains extending up the canyon slopes. To prevent erosion, the slopes were hydroseeded as a part of the original construction contract. After two years, a number of the slopes disturbed by sewer main construction have eroded and sparse vegetation remains. This project consists of reseeded those eroded slopes. At the time the assessment district was approved, a second planting was anticipated and assessment district funds were reserved for this purpose. A public hearing is not required for this project. Aud. Cert. 86495.

FILE: STRT D-2239

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-105: (R-86-1240) ADOPTED AS RESOLUTION R-264839

Authorizing the City Clerk to submit an application to the National Historical Publications and Records Commission to request funding for over a two-year period sufficient to:

- 1) Hire personnel to inventory the records of ten City departments and to complete Records Disposition Schedules for those departments; and
 - 2) Hire and employ an archivist to establish an Archival Records Program to ensure the protection and preservation of City archival records.
- (See City Clerk Report CC-85-14.)

FILE: MEET

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-106: (R-86-1211) REFERRED TO PF&R COMMITTEE

Authorizing the execution of an agreement with Eastgate Limited, (Purchaser) and Access Research Corporation, (Employer), for the sale of a portion of Lot 7, Eastgate Technology Park, and a Right of First Refusal on the balance of Lot 7 for a six-month period from the date of filing of the Parcel Map; authorizing the Mayor and the City Clerk to execute a deed conveying the approximately 2-net-acre parcel, when created, to Eastgate Limited; authorizing payment of the appropriate costs of the sale from proceeds of the sale.

(See City Manager Report CMR-86-4. University Community Area. District-1.)

FILE: - -

COUNCIL ACTION: (Tape location: A613-B269.)

MOTION BY JONES TO REFER THE ITEM TO THE PF&R COMMITTEE AND TO DIRECT THE CITY MANAGER TO: (1) EVALUATE THE POSSIBILITY

OF A LEASE ARRANGEMENT RATHER THAN A SALE; (2) LOOK AT OTHER ALTERNATIVES THAT MAY BE USED FOR FUNDING THE POLICE DECENTRALIZATION; AND (3) REPORT TO THE PF&R COMMITTEE WITH THE RESULTS. THE PF&R COMMITTEE IS DIRECTED TO BRING THE ITEM BACK FOR COUNCIL CONSIDERATION BY FEBRUARY 3, 1986.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-200: (O-86-107) INTRODUCED, TO BE ADOPTED JANUARY 27, 1986

Introduction of an Ordinance amending Chapter X, Articles 1 and 2, of the San Diego Municipal Code by amending Sections 101.0220, 101.0230, 101.0240, 101.0900, 101.0910, 101.0920 and 102.0308, relating to Planned Developments, Special Permits and Appeal Procedures.

PLANNING DIRECTOR REPORT: The City Council has requested that adjustments be made to the processing procedures to allow the Council to consider all related planning matters at one time. This will avoid partial consideration of matters and authorize simultaneous comprehensive review. In order to achieve this simultaneous evaluation several sections of the Planning and Zoning Regulations need modification in conjunction with one section of the Subdivision Code. If enacted, the new provisions would authorize a "Rule 4" evaluation of a Planned Development Permit (PRD, PCD, PID) and the accompanying subdivision map at the same time to determine if a City Council hearing is necessary. This would avoid the current process of the subdivision map proceeding to the City Council regardless of the "Rule 4" decision on the Planned Development permit.

FILE: - -

COUNCIL ACTION: (Tape location: B392-448.)

MOTION BY GOTCH TO INTRODUCE THE ORDINANCE. Second by Martinez.

Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-201: (R-86-1164) CONTINUED TO FEBRUARY 3, 1986

Amending Council Policy 800-2 regarding Utility Undergrounding Program - Use of Case 8209 Funds for Conversion Work on Private Property.
(See City Manager Report CMR-86-5. City-wide Community

Areas.)

NOTE: See Item 202.

FILE: - -

COUNCIL ACTION: (Tape location: A445-468.)

MOTION BY JONES TO CONTINUE TO FEBRUARY 3, 1986, AT THE CITY MANAGER'S REQUEST TO GRANT SDG&E TIME FOR FURTHER DISCUSSION WITH THE CITY. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmayea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-202: (R-86-385) CONTINUED TO FEBRUARY 3, 1986

(Continued from the meetings of September 30, 1985, October 14, 1985, November 12, 1985 and November 25, 1985; last continued at Deputy Mayor Struiksmayea's request for the City Manager's report on the impact of the reimbursements to affected property owners of this project and future projects on the San Diego Gas and Electric Company's allocation funds.)

Resolution calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an Underground Utility District to be known and denominated as the Murray Ridge Road (Encino Avenue to Harjoan Avenue) Underground Utility District.

(Serra Mesa Community Area. District-5.)

CITY MANAGER REPORT: The proposed district will underground the overhead utility facilities on Murray Ridge Road between Encino Avenue and Harjoan Avenue. This is a scheduled project in the Calendar Year 1986 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 51, all of which are single family residential properties. A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$600 to \$1,100. The recently adopted Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's annual allocation funds (Case 8209) to make reimbursement payments of \$300 each to the affected property owners where the required length of trenching on private property exceeds 15 feet. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 86223.

NOTE: See Item 201.

FILE: STRT K-150

COUNCIL ACTION: (Tape location: A445-468.)

MOTION BY JONES TO CONTINUE TO FEBRUARY 3, 1986, AT THE CITY MANAGER'S REQUEST. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-S400: (R-86-1250) ADOPTED AS RESOLUTION R-264840

Proclaiming Saturday, January 25, 1986 as "Remember the MIAs" day in San Diego; commending Ms. Barbara Lowerison and "Operation Skyhook" for keeping this issue of conscience constantly prominent in public awareness; authorizing the City Manager to provide staging, chairs, tables, loudspeakers and other support to the "Remember the MIAs" rally, adjacent to the War Memorial Building in Balboa Park, on January 25, 1986; directing the Intergovernmental Relations Department to draft appropriate language for a City resolution to be forwarded to the President of the United States and the local congressional delegation regarding increased efforts to secure the release of remaining MIAs.

FILE: MEET

COUNCIL ACTION: (Tape location: A020-085.)

MOTION BY GOTCH TO ADOPT. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-S401: (R-86-1191 Rev. 1) ADOPTED AS RESOLUTION R-264841

Inviting bids for the purchase of an optical mark reader to be used by the Personnel Department; authorizing the City Manager to execute a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$80,331 from the Unallocated Reserve to the Personnel Department to purchase this equipment, and to further encumber \$4,000 for contingency purposes to cover unexpended freight, installation, or related expenses from the Personnel Department's Non-personnel Expense Fund; authorizing the expenditure of \$84,331 for the equipment; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted

funds, if any, to the appropriate reserves. (BID-6948)
(See Civil Service Commission Report with attached memo
from Libby Watson, Financial Management Director, dated
12/13/85.)

Aud. Cert. 86593.

FILE: MEET CONFY86-1

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones. Passed
by the following vote: Wolfsheimer-yea, Cleator-not present,
McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea,
McCarty-yea, Martinez-yea, Mayor-vacant.

* ITEM-S402: (R-86-1262) ADOPTED AS RESOLUTION R-264842

Amending Council Policy 600-15 entitled "Street Vacations
and Easement Abandonments".

(See City Manager Report CMR-85-591.)

COMMITTEE ACTION: Reviewed by TLU on 12/4/85. Recommendation
to approve the Planning Director's recommendations to amend the
subdivision regulations of the Municipal Code, and the City
Manager's recommendation to amend Council Policy 600-15.

Districts 1, 6, 7 and 8 voted yea. District 4 not present.

COMMITTEE CONSULTANT REPORT: On December 4, 1985, the
Transportation and Land Use Committee approved the
recommendations in City Manager Report CMR-85-591 by a vote of
4-0. The Committee's action supported the Manager's position
that any tentative map involving a street vacation should be
referred directly to City Council for a public hearing rather
than having the Subdivision Board approve the tentative map and
have the City Council subsequently consider the street vacation.
The amendment is the result of Council direction to staff to
provide this procedure.

FILE: MEET

COUNCIL ACTION: (Tape location: A542-564.)

CONSENT MOTION BY MARTINEZ TO ADOPT. Second by Jones. Passed
by the following vote: Wolfsheimer-yea, Cleator-not present,
McColl-not present, Jones-yea, Struiksmay-yea, Gotch-yea,
McCarty-yea, Martinez-yea, Mayor-vacant.

ITEM-S403: (R-86-1287) ADOPTED AS RESOLUTION R-264843

Approving the concept of naming a major San Diego street,
State freeway or prime arterial in honor of Dr. Martin
Luther King, Jr.; directing the City Manager to report back
to Council with his recommendations after consultation with

the appropriate agencies.

(See Communication Form from Michel Anderson dated 1/6/86 and letter from Michel Anderson dated 1/7/86.)

COMMITTEE ACTION: Reviewed by RULES as a communication item on 1/6/86. Recommendation to forward to the full City Council on 1/13/86. Districts 2, 3, 5 and 8 voted yea.

FILE: MEET

COUNCIL ACTION: (Tape location: B270-385.)

MOTION BY CLEATOR TO ADOPT. Second by Martinez. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-not present, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Martinez-yea, Mayor-vacant.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor Struiksma at 3:22 p.m.

FILE: MEET

COUNCIL ACTION: (Tape location: B463).